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ABSTRACT

This speech presents an overview of issues and trends in the provision of foster care and adoption services in Canada. The number of children "in care" in Canada (in foster homes, institutions, or adoptive homes) appears to have peaked around 1969 and declined thereafter. Information on contraceptives and the availaibility of abortions are seen as possible factors in this decline. Two social changes affecting adoptions are discussed: the increasing number of divorces, remarriages and subsequent adoptions by stepparents, and the increasing number of unwed mothers keeping their babies. The subsequent problems of these illegitimate children and of single-parent families in general are noted. According to statistics presented, the greatest proportion of children in care are in foster homes. Reasons for the increasing demand for foster homes include decreasing supply of foster parents, decreasing provision of residential services, and changes in the characteristics of foster children. The question of children's rights is discussed and it is suggested that these rights must come before those of natural, foster, and adoptive parents. It is also suggested that much of the work of child welfare services derives from conditions of poverty and that more carefully linked social policies are needed to improve these conditions. Appended are tables of statistics on children receiving various welfare services and on Indian population characteristics. (BD)

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The Canadian Council on Social Development

ISSUES IN ADOPTION AND FOSTER CARE

Paper and documentation prepared for
Workshop at the Child Welfare League
of America Northwest Region Conference
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by

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ISSUES IN ADOPTION AND FOSTER CARE

Introduction

I propose today first to comment on some of my current work in progress - a study of trends in foster care and adoption in the last fifteen or sixteen years, which at this stage involves an attempt to compile continuous and comparable series of statistics at the provincial and national levels. I will then comment briefly on the issues listed in the program (a) reasons for the increased demand for foster homes (b) the changing status of adoption and foster care placements (c) are children's rights in conflict with those of natural, foster and adoptive parents and (d) revision of child welfare services for better children's services.

I would propose that we would then throw the workshop open for discussion and questions. I hope that my comments and the Outline of Relevant Concerns which has been developed for my "trends" study and which I hope you all have copies of, will provide an adequate framework for this morning's workshop.

Part I

The Child Welfare Population

What are we talking about when we speak of children in care, children in foster care, children in institutional care, and children placed for adoption? Any descriptive or statistical answer to these questions has to be highly qualified, because of the multiple jurisdictions involved, and because of the somewhat dubious validity of the available statistics.

According to the Annual Report for the Canada Assistance Plan for the year 1969/70 there were 102,026 children being assisted under the Plan on March 31, 1970.[1] I believe this to have been the high point for the number of children in care. It has declined fairly steadily since then to a provisional figure for March 31, 1976 of 66,000. I think this is a little

1 Canada Assistance Plan, Annual Report 1969/70, p.16.

low and that the real figure should be over 70,000.

We are in some serious difficulties in trying to define and describe this population of children in care, but even though (1) some children receiving correctional services in at least two provinces are omitted, and (2) the figures for the Northwest Territories and the Yukon are not always available and (3) the precise responsibility of the Department of Indian and Northern Affairs and the provincial governments for native children is not always clear and consistent, what is quite clear is that (1) between 80,000 and 100,000 children have been regularly in care at any one time since the late 1960s, and (2) numerically many more children are in fact involved because of a fairly high turnover of children coming into and going out of care, and (3) even more children are in some kind of contact with the child welfare authorities either because their siblings are or have been in care, or because their families are receiving some form of preventive service.

Where are these children when they are in care? On the basis of figures available for the 1974 calendar year and the 1974/75 fiscal year, it is possible to make an educated guess about the location of children in care. In the 1974/75 period there were about 80,000 children in care. About 19,000 children were in some form of residential or institutional facilities; about 47,600 were in foster homes, including a small number in group homes not separately identified as residential facilities; about 3,900 children were in adoptive homes pending the completion of the probationary period and legal arrangements; some 7,400 children were living with their own parents - 5,000 of these children live in Alberta, and can be accounted for as either being handicapped or on probation. Of the remaining 2,100, 1,400 were living in unspecified arrangements, 440 were in boarding homes or fending for themselves, and the remainder, most of them in Alberta and British Columbia are identified as being away without leave or location unknown.

I do not pretend that these are very satisfactory statistics because of some of the more obvious inclusions and exclusions. For the sake of comparability it is important to identify the children receiving probation

supervision in provinces where they are not included in the provincial child welfare statistics. It would also be possible to inflate the provincial totals by including children in families receiving help from the child welfare services. In this latter case the statistical picture would become even more messy if any attempt were made to include these figures.

I think we can say that the 80,000 children in care at the end of the 1974/75 period, and the comparable numbers of children in care at any previous or subsequent time form a nucleus for which there is some legal authorization, though obviously the legal status of the children varies.

I have been and still am involved with assembling the available statistics for the last fifteen or sixteen years in order that (1) a clearer picture may be obtained of what the main trends in the child welfare services have been, (2) some comparison can be made with other statistical and demographic data for the period.

We do not know for example to what extent the child welfare population rose throughout the 1960s because of broad demographic trends, or whether the rise was due to the establishment of better child welfare and other social services. A combination of factors probably accounts for the changes in the period under review. Poverty and housing problems continue to play a major role. Improved health services for the native people may mean that more native children survive infancy, but then have to come into care, because of economic and social problems in their homes and home communities.

There were of course several important developments in the late 60s which have major relevance for the child welfare services; there were the amendments to the Criminal Code which permitted (1) the provision of information on contraception and (2) the provision of therapeutic abortions. At this stage one can make only tentative observations on the possible effect of these major legal and social changes.[2] It is not clear for example that these changes are in any way responsible for the reduction in the size of the child welfare population after 1969. Almost certainly though they are

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2 See Report of the Committee on the Operation of the Abortion Law, Supply and Services Canada, Ottawa 1977, for instructive reading.

responsible in part for a reduction in the number of babies surrendered for adoption and for the fall in completed adoptions.

On the figures presently available to me there were about 19,850 completed or finalized adoptions in the 1970 or 1970/71 period - these were adoptions of all types, both agency and private placements or arrangements; this figure had fallen to approximately 15,800 in the 1974 or 1974/75 period. Hidden within these figures is another major change; whereas ten years ago child welfare agency placements accounted for a majority of all adoptions, now private placements or arrangements account for the majority.

It is necessary to qualify what is meant by private placements or arrangements. There has been a decline in the number of private placements of children with third parties, but a substantial increase in the number of adoptions by step-parents or other relatives.

We come then to another major social change in the last decade. The number of divorces tripled from approximately 11,000 annually in the years 1966, 1967 and 1968 to over 32,000 in 1972, as a result of the 1968 changes in divorce legislation. Moreover there is wide variation in the divorce rates between provinces. In 1973 Alberta had a divorce rate of 263.5 per 100,000 population and British Columbia a rate of 245.7. By comparison Newfoundland and Prince Edward Island had the lowest rates at 41.4 and 47.0 respectively. In 1973 almost twice as many divorces were granted to female petitioners (23,615) as to males (13,089). This represents a ratio of 55 divorces to male petitioners for every 100 to females. Among the provinces, Alberta showed the lowest ratio of male petitioners (36 to every 100 females) while British Columbia had the highest (62). Grounds for divorce were "separation for not less than 3 years" in 33.1 per cent of cases, adultery in 30.3 per cent, mental cruelty in 15.8 per cent and physical cruelty in 13.5 per cent.

Of the 36,704 divorces in 1973 granted under the new legislation 43.3 per cent involved no dependent children. There has however been a gradual

increase since 1970 in the proportion of divorces involving dependent children from 53.1 per cent in that year to 56.7 per cent in 1973. Almost 40 per cent of the latter cases involved one child only, and almost one-third of them involved two children; this leaves about 30 per cent of these divorces involving three children or more.

More than nine out of every 10 persons divorced in 1973 were single at the time of their marriage; the bulk of divorces were therefore first divorces for these people.[3]

Returning to the subject of adoption it is apparent that probably a majority of adoptions now involve the assumption of parental responsibilities by stepparents. I think myself that this is a fact of some major social significance. It involves the rights of children involved in their parents' divorces and remarriages, and the rights of natural parents and stepparents. It raises questions about the role of the public authorities in such situations; whether for instance some form of public intervention is required or warranted perhaps in the form of a child advocate. It also raises the question of the appropriate role for the public authority to play in other types of adoption.

Another important development in the last ten years has been the increased determination of unmarried mothers to keep their babies. This factor along with the rise in the number of therapeutic abortions and the probable increased usage of contraceptive measures has of course meant that many fewer babies are available for adoption. There has been an extraordinary change in the adoption scene in a very few years from a situation where there were many more adoptable children than applicants to adopt them, to a situation which is the exact opposite. One consequence has of course been that the child welfare authorities have increasingly turned their attention to the "hard to place" children.

Not all of these changes are necessarily for the better. We do not have good data about single women keeping their children;[4] though the number of

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3 Statistics Canada, Canada Year Book 1975 (Ottawa, 1975), pp.157,158,186,187,188.

4 There is some American data that suggests that the decision of more white unwed mothers to keep their children was not a sudden change in the late 1960s or early 1970s, but was already discernible as a trend in 1960. However the number of illegitimate white births continued to grow until 1970, so that the reduction in the number of illegitimate white children who were available for adoption only then became apparent. See Gordon Scott Bonham "Who Adopts: The Relationship of Adoption and Social Demographic Characteristics of Women." Journal of Marriage and the Family, Vol.39, No.2, May 1977, pp.295-306.

adoption placements or completions may be compared with the number of illegitimate births in any one year and comparison of the trends over a period of years can be made. The number of illegitimate births rose steadily from about 16,000 annually in the early 1950s, 24,600 in the early 1960s, and 32,500 in the late 1960s; it then fell from 32,693 in 1971 to 31,005 in 1973. As a percentage of total live births illegitimate births rose steadily from 3.8 per cent in the early 1950s, to 8.7 per cent in the late 1960s and 9.0 per cent in the early 1970s. In the Yukon and Northwest Territories roughly one of every four births in 1973 was considered to be illegitimate. Of the provinces Saskatchewan and Manitoba had the highest percentages of illegitimate births at 15.4 and 13.4 respectively. These two prairie provinces have also tended to have below the national average rate of therapeutic abortions performed.[5]

It is worth noting in passing that the three prairie provinces and British Columbia account for the bulk of Indian people receiving social assistance (average monthly figures in 1972/73 were Manitoba 15,126, Saskatchewan 19,137, Alberta 16,148 and British Columbia 12,306 out of a total of 84,524 in Canada. Moreover native children have been reported by child welfare officials to account for 60 per cent of children in care in 1976 in Manitoba, 50 per cent in Saskatchewan, 40 per cent in Alberta, 40 per cent in British Columbia and 90 per cent in the Yukon.[6] Based on 1974/75 figures for children in care this would mean 2,500 native children in care in Manitoba, 1,350 in Saskatchewan, 4,400 in Alberta, 4,000 in B.C. and 450 in the Yukon.

Three years ago I reviewed some Canadian and foreign publications which have some relevance to the question of unmarried mothers keeping their children.[7] Generally I think we can say that (1) both illegitimate children

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5 The situation is however changing rapidly in all provinces according to a variety of statistics provided in the recent Report of the Committee on the Operation of the Abortion Law; see especially Tables 3 and 4, pp.436-445.

6 Source: H. Philip Hepworth, Draft Proceedings of Inaugural Meeting of National Advisory Committee on Trends in Foster Care and Adoption Study, Canadian Council on Social Development, January 1977, Unpublished and not to be published.

7 H. Philip Hepworth "The Problem of Success in Child Care," The Social Worker, Volume 42, No.2 (Summer 1974), pp.132-139.

and their mothers are at considerable social and economic disadvantage in our society; (2) the illegitimate child may suffer in terms of his general social adjustment and education if he is brought up by his unmarried mother; (3) the illegitimate child if he is adopted at an early age will do well in his general health, social adjustment and education, and may outperform children brought up by natural parents in intact families.

This gloomy prognosis for the illegitimate child staying with his unmarried mother is a question of fact not opinion. It is a question which policy makers and politicians ought to address honestly. If unmarried mothers freely choose to raise their children, as they are doing, then they should be assisted to do so by every means available from the public purse. As single parents unmarried mothers are clearly not unique. The evidence of the divorce statistics already reviewed suggests that there are many parents who for longer or shorter periods of time have to raise their children single-handed. In addition of course there are many families which for reasons of death or ill-health lack one parent either permanently or for indefinite periods of time.

It is clearly not beyond human ingenuity to devise programs and policies which would address the needs of single parent families, and which would address these needs not on the basis of traditional economic criteria, but on more inclusive social criteria, which recognize the need for day care services, adequate housing, appropriate educational opportunities for children and parents and so on. On the basis of my experience in the field I have felt for a long time that unmarried parents have not always received appropriate advice and guidance from social workers about whether they should keep or give up their children. Like any other profession or group of workers, social workers are prone to develop rules of thumb such as "it is best for the child to stay with his mother or his family, or return to his family." Conventional wisdom of this kind is dangerous, because it can

impede clear thinking and obscure a proper appreciation of a situation.[8] Examples of these dangers can be found in many places - one that is particularly in my mind at the moment is the tragedy of Maria Colwell in England, who was returned to her natural mother after spending all her early life with foster parents. The report of the Committee of Enquiry into the care of Maria Colwell should be compulsory reading for all social workers, teachers, public health nurses, and family doctors.[9]

For whatever reason more unmarried mothers began to retain their babies at some point in the late 1960s, and this appears to have continued. Naturally the circumstances of these mothers and their children do not remain constant. Family circumstances change; the mothers often marry.

There is some evidence that preventive work by the child welfare services may instead of preventing admission of children into care, simply delay it. I think that this is also what happens with some children retained by their unmarried mothers; the major British longitudinal study

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8 The American data cited in a previous footnote is consistent chronologically with this viewpoint. There are of course strong emotional motivations for a mother wishing to keep her illegitimate child. By the early 1960s it is possible that economic conditions enabled more unwed mothers to keep their children; one thinks for example of the American AFDC program; the social stigma attached to bearing and rearing an illegitimate child may have decreased by the 1960s, and this may have had an effect on unwed white mothers, however the combined social and economic disabilities attached to being a single parent have remained considerable. The other main influence I would hypothesize has come from social workers who for a variety of reasons have attached a great deal of importance to a family unit remaining intact; there may also have been financial motivations on the part of social workers' employers tending to discourage the taking of children into care. This is an area involving professional ideology, bureaucratic and political behaviour, and the diffusion of cultural values which clearly requires further research. Be this as it may social workers in Canada do appear to acquire and practise the ideas and values of their American cousins after the time lapse required for the diffusion of information to take place. The example of concern about battered children and child abuse is a classic instance of this diffusion of ideas.

9 London, England, Department of Health and Social Security, Report of the Committee of Inquiry into the Care and Supervision Provided in Relation to Maria Colwell, Her Majesty's Stationery Office (London, 1974).

showed that up to the age of seven the incidence of children being taken into care was five times higher among illegitimate than among legitimate children.[10]

I have commented thus far on some of the major social changes which have occurred in the last decade in Canada, and which have a profound effect on the welfare of all children, and of some children in particular. So far as child welfare statistics are concerned, these may say more about the legal and bureaucratic operation of the services than about the children involved. There is ample reason as I have already said to ascribe some of the major changes in the child welfare population to social and demographic events, but other changes seem to me more likely to reflect the nature of the administrative structures involved, including the legislation, the professional ideology and conventional wisdom of some of the main actors involved, the administrators and social workers, and the economic and political ideology of the governments in power and ultimately responsible.

We must always be distrustful of slogans like "deinstitutionalization" or "reprivatization", which because they have some good aspects come to be regarded as wholly good, and can then be used by politicians to reduce expenditures, reduce services rather than improve them, or place public money and public responsibilities in private places and private hands, where the discharge of public responsibilities cannot be or is not then properly exercised.

There is another bandwagon or slogan at the moment called juvenile containment. Last year you will remember the slogan was juvenile diversion. I would urge you to look carefully and sceptically at changes in public policy, and be distrustful of "catchall" slogans and solutions. There are no final solutions except in totalitarian societies.

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10 Eileen Crellin, M.L. Kellmer Pringle and Patrick West, Born Illegitimate, National Foundation for Education Research in England and Wales (London, 1971).

Part II

I would now like to comment briefly on some of the issues listed in the program.

(a) Reasons for the increased demand for foster homes

If the total child welfare population continues to fall, then in absolute terms the demand for foster homes will or is likely to decline. I think however that there are signs that the number of children in care is stabilizing and in some provinces may even be climbing again. It is difficult to be sure because of the time-lag involved in publishing statistics

There has of course been a determined effort in Quebec in recent years to reduce the number of children in care, and this will probably continue. As Quebec accounts for over 40 per cent of all foster homes, further decline in the number of children in care will affect the number of children needing foster homes.

The supply of children is not the only factor affecting the number of foster homes. There is the supply of foster homes and of foster parents willing to care for children. A decline in the supply of foster homes means a relative increase in the need for homes provided there is a constant number of children needing them.

Another factor leading to an increased demand for foster homes is reduction in the provision of residential or institutional services. There are some special considerations here, because a number of handicapped children, especially retarded children, are included in the child welfare figures, and continued emphasis on community services for the retarded could lead to an increase in demand for foster homes both for retarded children and retarded adults.

Changes in the characteristics of the children coming into foster homes may be a factor encouraging a reduction in the number of foster homes

available. Child welfare officials generally have been saying that older children are coming into care. I decided to test this view against some of the available statistics for Nova Scotia, Saskatchewan and British Columbia. The age groupings provided are not comparable throughout, but even though the age of majority has been reduced in at least one province there has been a distinct shift from the majority of children being in the younger age group ten years ago to the majority being in the older age group today. There are a number of reasons why this has come about, and no full explanation is possible at this time. There is probably a demographic aging in the whole child population, so that there are few younger children at rish of being taken into care. In addition child welfare services have become responsible for older children who would previously have been handled separately under correctional auspices.

TABLE 1. Children in Care By Age

	Under 10 Years	Over 10 Years	Total
Saskatchewan			
1965-66	1,787	1,495	3,282
	54.4%	45.6%	100%
1970-71	1,571	1,696	3,273
	48.0%	51.8%	100%
1974-75	972	1,760	2,733
	35.5%	64.5%	100%
Nova Scotia			
1965-66	1,194	1,568	2,762
	43.2%	56.8%	100%
1970-71	1,686	1,652	3,338
	50.5%	49.5%	100%
1974-75	781	1,730	2,511
	31.1%	68.9%	100%

TABLE 1. (Continued) Children in Care By Age

	Under 12 Years	Over 12 Years	Total
British Columbia			
1965-66	4,514	3,175	7,689
	58.7%	41.3%	100%
1970-71	4,929	5,046	9,975
	49.4%	50.6%	100%
1974-75	4,267	5,616	9,883
	43.2%	56.8%	100%

I think these developments suggest why two issues have become quite acute. (1) the problem of caring for older, possibly disturbed or difficult to handle, children and young people and (2) the question of payment of foster parents.

One can see why there may be fewer people willing to foster children or at least foster older children. At the same time one has to ask whether foster homes are an appropriate placement for older children.

I recognize that there has been some creation of so-called special foster homes, therapeutic foster homes, and small group homes, but so far as I know these are not yet major programs. In passing it may be noted that although more than fifty per cent of children in care in England and Wales are in residential settings, the bulk of these children are in small group homes.

If group homes are an appropriate placement for many older children, which I think they are, they are at one end of what I would call the residential services continuum. It becomes much more obvious that such homes should be properly staffed and properly paid. If foster homes are being used for many older children I think it would be sensible to regard them as group homes in which the staff should be properly selected, trained and paid.

I know that some foster homes have been lost, because foster parents have found it personally preferable to become family day care mothers and to receive payment for such services. I recognize that foster homes are and have been the major resource for the child welfare services. I think that it has been a fortunate coincidence that foster care was both cheap and suitable for many children in care. Frankly I think a number of these developments suggest the need for a review of the use of foster homes. Not only do foster homes seem to be a resource we can ill-afford to lose, but they also seem to be called upon to perform an increasingly difficult and specialized task, for which payment is appropriate and necessary.

(b) The changing status of adoption and foster care placements

To some extent the status of adoption and foster care placements has already been discussed earlier in this paper. Adoption and foster care are however vast subjects. My present study of trends in the child welfare services with special emphasis being paid to foster care and adoption arose out of earlier work on services for abused children and on residential services for children in care. My work on services for abused children suggested that (1) what was perceived of the problem of child abuse was only the tip of the iceberg and (2) in some parts of the country there were grave weaknesses in the child welfare services and in other social services also; (3) moreover child abuse was not a new problem, (4) most children coming into care did so for reasons that included so-called neglect and sometimes mistreatment. I felt and still feel that the evidence reviewed on services for abused children provided prima-facie grounds warranting a further investigation of child welfare services.

The topic residential services for children in care gave me more trouble than any of the other topics in my review of personal social services. There were some obvious ways of remedying my difficulties, for which I had neither time nor resources. I could for instance have paid on-site visits in all parts of the country. Having worked and lived in residential

facilities for children, and later administered and supervised a wide range of homes, I am under no illusion that on-site visits would provide an adequate insight into the services being provided; they would though provide some idea of the physical aspects of these services and this is important. I had to settle for a global viewpoint with such local insights and material as I could obtain. I found it fantastically difficult to locate all the children in care and mainly other children not technically in the care of either the child welfare services or of their parents. I found the absence of adequate descriptive statistics on children in care most unsatisfactory; this was partly because the statistics did not exist, partly because they were not published, and partly because they were not assembled at the provincial level on any regular and consistent basis. I should say that much does exist at the provincial level which has not been regularly published, and partly this is because the provincial authorities have themselves not been very satisfied with them.

From my point of view and that of some members of the Board of the Canadian Council on Social Development my work suggested the need for a further examination of the child welfare services and specifically of the topics of foster care and adoption.

When I commenced this further work questions were raised in several quarters about the linkage of foster care and adoption. It was suggested that the two types of service were as different as chalk and cheese. Now obviously there are real differences, but these may have more to do with the external form these services take, the different legal status of the parties involved, the different administrative processes involved and so on. I took the view that some of these differences were more apparent than real, that it was not so much a matter of chalk and cheese as of flesh and blood, and that a combination of specialist procedures and professional mystique had surrounded adoption services, which was not justified by the characteristics of the children involved.

I have trouble with the term "adoptable"; what is an adoptable child. Is "adoptable" simply a legal or administrative label? Do we not perhaps

have the same difficulty with the term "adoptable" as we have with the notorious label "employable"? Might not the best explanation of what one means be seen by what the other means. If "employable" is best understood not as describing a characteristic of person of working age, but rather as a reflection or function of the availability of work, then I think we can argue that "adoptable" can best be understood as a function of the availability of adoptive homes. In other words is a suitable adoptive home available for a particular child in care?

If we begin to view adoption in this way, I think we have less difficulty in recognizing that it is often fortuitous whether a child is legally adoptable or goes to or stays in foster care. I think it is no accident at all that as the supply of illegitimate children has declined, the placement of children previously not thought adoptable has increased.

What matters of course is the quality of care provided in adoptive and in foster homes. I believe the two types of homes are being brought closer together by some of the circumstances already described. Generally we have tended to view foster care as being of temporary or short duration, but clearly there are many instances where long-term foster care is provided. This fact has led to the introduction of the concept of "custodianship" in the British Children Act 1975[11] which covers both circumstances where there has been long-term care of a child by unrelated foster parents and circumstances where adoptions by stepparents have previously occurred.

If more older children are placed for adoption, and more so-called "hard to place" or handicapped children, I think it is self-evident that adoptive parents should both be informed about the difficulties they are likely to encounter and be entitled to appropriate professional help and support at times of difficulty. Governments and child welfare services neglect their duty if they do not make available to would-be adoptive parents the best available information on what to expect in bringing up an adopted child. There are ample literature and research findings on adoption, and this information should be provided to adoptive parents. It is not so much a question of anticipating trouble, but knowing what to do if trouble occurs.

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11 See M.D.A. Freeman, The Children Act 1975 - Text with concise commentary, Sweet and Maxwell (London, 1976) Section 72/33 to 72/55.

Obviously if such steps as I am advocating are taken a new concept of adoption will emerge, one in which the act of assuming legal responsibility for an adoptive child is not as absolute as both adoptive parents and child welfare authorities have previously wished it to be.

One final but not altogether new development affecting adoption, which provides some support for the idea of a new concept of adoption, is obviously the whole question of adoptive children and information about their natural parents. I think myself that all provinces will have to make provision in their legislation for access to information with appropriate safeguards. I recognize the depth of the emotions involved in this question, and I wish only to note developments in this area in Canada and other countries.

(c) Are children's rights in conflict with those of natural, foster and adoptive parents?

Again the issues raised by this question have been discussed in earlier sections of this paper. I think the short answer to this question is, yes, children's rights are sometimes in conflict with those of parents. Extreme examples obviously spring most readily to mind. The rights of the abused child clearly transcend those of parents, where they are the abusers. But what about more difficult cases? In the example already discussed of access to information does the adopted child's desire for information about his natural parents transcend their rights - in practice this is most often of course the natural mother; similarly what are the rights of the adoptive parents in this situation? It is very difficult to write rules and regulations to cover all eventualities; moreover the situation in which people find themselves at different times in their lives cannot be predicted by themselves or by other people. Decisions, which are seen as necessary and irrevocable at one point in a person's life, may be regretted later.

It is difficult and I think unwise to be too absolute or categorical in what we say about the rights of children or of parents. The human condition requires understanding and compassion more than it needs dogmatic

assertions about rights. Having said this I do think the rights of young children must come before those of adults. But already at quite an early age children should be consulted about decisions affecting them, and their views should be taken into consideration when decisions are made.

With older children I think rights and obligations are a little more mixed, and the question of reciprocal relationships with adults, especially parents, makes absolute assertions of rights on either side somewhat irrelevant if not inappropriate. Sadly rights come in conflict when a child has to choose between parents at times of divorce and separation, or when a child is assigned to the custody of one parent rather than of the other.

(d) Revision of child welfare services for better children's services

I recently spoke at some length on some of the current revisions of child welfare and correctional services.[12] I do not propose therefore to say much more on this subject today. Many provinces have recently revised or are revising their legislation. In some cases sections of the legislation have not been implemented due to the lack of resources; in other cases the new legislation is more in the nature of a consolidation or tidying up of existing legislation, and has been made less forward looking than it might otherwise have been at the insistence of both legal and financial officials within the government; in yet other provinces the process of creating new legislation is going ahead very slowly, again I think because resources are lacking both for the revision process and the subsequent implementation. Administrative reorganization of children's services is taking place in several provinces, but it is not yet clear what this will entail and what the practical effects on the delivery of services will be. I hope in the course of my own work to review existing legislation and current developments.

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12 H. Philip Hepworth, "Where are we going with children, prison house or paradise?" Paper prepared for presentation at the Annual Conference of the British Columbia Association of Social Workers, Theme: The Rights of Children: Advocacy for a Natural Resource, Manning Park, B.C., May 12-14, 1977. Copies available from author at Canadian Council on Social Development, Ottawa.

Conclusion

Generally I think the present time is a confused one for the child welfare services. We should never seek to see the child welfare field in isolation from everything else that is going on in our society. There is no doubt in my mind that much of the work of the child welfare services still derives from conditions of poverty in our society. It derives from inadequate housing. It comes from the ill-coordinated operations of the income support services, the health services, the education services, the housing services and the personal social services.

What we are faced with then is not simply the need for improved child welfare legislation, but for more carefully linked social policies, which are capable of providing for individuals and families in ways which are not discontinuous, spasmodic or episodic. As a start we should take a fresh look at income security especially as it relates to families with children which are in a state of transition or of crisis. We should look at the education and employment needs of single parents. We should look at the need for co-ordination or integration of education, health and welfare services for children.

There are some hopeful signs that against all odds better services are being devised, but I think you will agree the tasks ahead of us are vast.

APPENDIX

TABLE 1. Children in Care of the Provinces

Year	Nfld.	P.E.I.	N.S.	N.B.	Que.	Ont.(a)	Man.(b)	Sask.	Alta.	B.C.	Total	Total Recorded In Care Under CAP
1970/71	1,839	425	3,338	3,310	40,180	17,807	3,636	3,273	8,360	9,975	92,143	96,164
1971/72	1,768	416	3,144	3,004	40,354	16,319	3,549	3,231	8,045	10,274	90,104	92,362
1972/73	1,735	342	2,928	2,824	36,392	15,119	3,579	3,117	7,054	9,913	84,003	88,485
1973/74	1,479	333	2,739	2,798	33,911	14,269	3,690	2,975	7,686	9,584	79,464	80,773(e)
1974/75	1,410	307	2,511	2,855	32,343	13,718	3,436	2,733	10,798(d)	9,883	79,994	85,337
1975/76							4,282	2,610				66,000(f)
1976/77								2,715(c)				

SOURCE: Provincial Annual Reports and published statistics.

Note: (a) Children in care on December 31, 1970, 1971, 1972, 1973, 1974, etc; does not include juvenile delinquents.
(b) Wards in care on December 31, 1970, 1971, 1972, 1973 and 1974; wards and non-wards on December 31, 1975.
(c) Includes 159 children in care of Dept. of Northern Saskatchewan on March 31, 1977.
(d) Includes probationers and handicapped children.
(e) Includes 478 in Yukon.
(f) Source: Canada Assistance Plan, Annual Reports.

TABLE 2. Adoptions Completed, Finalized or Registered

Year	Nfld.	P.E.I.	N.S.	N.B.	Que.	Ont.	Man.	Sask.	Alta.	B.C.	NWT	Yukon	Total
1970		145				7,850	1,250		2,439				
1970/71	528		688	250	3,378			518		2,804			19,850
1971						7,245	1,346		2,431				
1971/72	526	14[illegible]	723	424	4,118			630		2,306			19,893
1972						5,701	1,615		3,318				
1972/73	533	97	817	238	3,564			554		1,820			18,257
1973						5,664	1,318		2,222				
1973/74	635	99	723	227	3,297			578		1,920			16,683
1974						5,227	1,565		1,997				
1974/75	522	118	923		2,901			632		1,721			15,606*
1975						4,971	1,332		1,592				
1975/76		108	729					452					
1976							1,489		1,933				
1976/77													

SOURCE: Provincial Annual Reports relating to child welfare services and vital statistics, and miscellaneous other official sources.

* New Brunswick figures not available.

TABLE 3. Events for Total Registered Indian Population 1975

	P.E.I.	N.S.	N.B.	Que.	Ont.	Man.	Sask.	Alta.	B.C.	NWT	Yukon	Total
Legitimate births from earlier years	5	52	25	204	347	277	350	154	153	23	1	1,591
Illegitimate births from earlier years	-	26	13	57	223	250	521	307	221	34	10	1,662
Legitimate births in current year	5	22	43	377	504	379	334	218	373	70	9	2,334
Illegitimate births in current years	4	21	30	118	334	320	507	531	544	78	39	2,526
Adoptions within bands	-	2	-	10	10	3	1	12	2	13	-	53
Adoptions between bands	-	-	1	2	25	11	7	2	11	4	-	63
Adoptions by non Indians	-	-	-	-	51	102	95	16	52	16	7	339

SOURCE: Information provided by Department of Indian and Northern Affairs.

TABLE 4. Size of Native Population as Reported in Recent Census Reports

	1971	1972	1973
Registered Indians*	257,619	264,680	270,494
Band Indians*	231,120		

SOURCE: Perspective Canada, p.240.

* Meant to be equivalent terms.

Census (1971)	
Indians	295,215**
Inuit	17,550

SOURCE: Statistics Canada 1971 Census.

TABLE 5. Location of Children in the Care of the Child Welfare Authorities at the End of the 1974 Calendar Year and the 1974/75 Fiscal Year

	Foster Homes	Boarding Home	Free Home - Relatives	Adoption Home	Institutional Resources	AWOL	Children	Other	Unknown	Total
Nfld.	1,076				334					1,410
P.E.I.	245			27				35		307
N.S.	1,888	111	107	213	101			9	11	2,440
N.B.	2,040*		240*	390*	150*			35*		2,855
Que.	20,292				12,051					32,343
Ont.1974	7,851		862	1,489	2,531			985		13,718
Man.1974	2,250*			535*	300*			351*		3,436
Sask.	2,012		305	223	193					2,733
Alta. 74/75	3,826	104	2,808	525	1,330	109	2,096			10,798
B.C. 74/75	6,109	227	971	473	1,926	177				9,883
Total	47,589	442	5,293	3,875	18,916	286	2,096	1,415	11	79,923

SOURCE: Provincial Annual Reports and other documents.

* Estimate